

REMARKS/ARGUMENTS

The Office Action mailed November 17, 2004 has been reviewed and carefully considered. Claims 1-9, 26-27, and 35-44 are canceled. Claims 18 and 23-25 have been amended and claims 55 and 56 are added. Claims 10-25, 28-34, and 45-56 are pending in this application, with claims 10, 18, 45, 55, and 56 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed November 17, 2004, claims 1-4, 7-8, 10-24, 26-30, and 32-54 stand rejected under 35 U.S.C. §103 as unpatentable over EP 0843168 (Matsuda) in view of U.S. Patent No. 5,911,129 (Towell).

Claims 5-6 and 9 stand rejected under 35 U.S.C. as unpatentable over Matsuda, Towell and further in view of U.S. Patent No. 6,397,080 (Viktorsson).

Claims 25 and 31 stand rejected under 35 U.S.C. §103 as unpatentable over Matsuda and Towell and further in view of U.S. Patent No. 6,463,412 (Baumgartner).

The present invention relates to a voice avatar module for applying voice modification technologies to voice-based communication between wireless communication devices for wireless multiuser entertainment services on the Internet. Fig. 3 of the present application discloses a server-side implementation of the present invention in which a voice avatar server 500 includes a voice avatar module 600. The voice avatars to choose from are stored in a voice avatar section 532 of a memory 530. In this embodiment, the wireless mobile terminal of a user first connects to the voice avatar server 500 (see page 9, lines 12-13, of the present application). A selected avatar is then used to transform a user's voice while connected to entertainment services 210, 220.

Independent claims 10 and 45 each recite that the avatar module is arranged in an avatar server connected to a mobile network for receiving a input voice channel from a user terminal, modifying the input voice using a voice avatar and outputting the modified voice. Independent claim 18 is amended to also recite that limitation.

As stated in MPEP §2143, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combines) must teach or suggest all the claim limitations. None of the prior art references of record disclose, teach or suggest the server-side implementation of an avatar module which can be connected for receiving an input voice channel from a user terminal, modifying the input voice using a voice avatar and outputting the modified voice to a third party or service, as expressly recited in independent claims 10, 18, and 45. Matsuda discloses an information processing apparatus and method for selecting a voice so that a voice signal input by the user is filtered by preset voice parameter before transmission. Matsuda shows an example of a client terminal 13 which includes circuits 301, 302 for implementing voice avatars (see Fig. 7 and col. 13, line 35 to col. 14, line 7). Matsuda shows a service provider terminal 14 in Fig. 9 (see col. 16, lines 44-50). However, this service provider server 14 does not have the circuits necessary for implementing the voice avatar. Since Matsuda discloses that only the client terminals 13 include circuits 301 and 302 for implementing voice avatars, Matsuda fails to teach or suggest a server-side implementation of the voice avatar module for receiving input voice channel from a user terminal, as recited in independent claims 10, 18, and 45.

Towell fails to teach or suggest what Matsuda lacks. Towell discloses an apparatus and method for disguising a voice in which the voice is converted to digital format in a voice capture circuit 13 (see col. 3, lines 33-35 of Towell). An acoustic processor and encoder 17 analyzes the sample and divides the sample into phonemes (col. 3, line 65 to col. 4, line 7). The phonemes are transmitted to a receiver and the phonemes are encoded into a voice having characteristics picked by the user at the receiver, which includes a memory (col. 4, lines 54-56; and col. 5, lines 9-24). Accordingly, Towell discloses a different method for disguising a voice. Instead of filtering a voice, Towell determines strings of phonemes of the original voice signal and recreates a new voiced output by creating utterances from the phonemes using playback characteristics selected by the user. All of the equipment in Towell is in end devices, i.e., in the user terminals. Accordingly, Towell also fails to teach or suggest a server-side implementation of an avatar module which receives a voice input from a user device and modifies the voice using a voice avatar and outputs the modified voice, as recited in each of the independent claims 10, 18, and 45. Accordingly, independent claims 10, 18, and 45 are each allowable over Matsuda in view of Towell.

New independent claim 55 is directed to a voice avatar module connected to the Internet for receiving voice input from a wireless user device. Support for this is found at Fig. 3 of the present application. Since Matsuda discloses only that the circuits for implementing the voice avatar are arranged with the client device, Matsuda fails to teach or suggest an avatar module arranged for receiving voice input over the Internet, as recited in independent claim 55.

New independent claim 56 is directed to a server having an avatar module, wherein the avatar module includes computer readable memory having computer-executable instructions. Support for this claim is found at page 4, lines 8-12, which indicates that the voice avatars may be


implemented by software components. Independent claim 56 also recites a server for receiving voice input from a client device and is therefore allowable over the prior art of record.

Dependent claims 11-17, 19-25, 28-34, and 46-54, each being dependent on one of independent claims 10, 18, and 45, are deemed allowable for the same reasons expressed above with respect to independent claim 10, 18, and 45.

Dependent claims 12 and 13 further recite that the "server is connectable to an avatar site via the wireless network for retrieving further voice avatars". The Examiner references col. 12, lines 33-57 and col. 16, line 51 to col. 17, line 38 of Matsuda. However, the first section of Matsuda referred to by the Examiner refers to Fig. 4 which shows an information server terminal 10. This terminal 10 provides the information necessary to depict the virtual world in which the avatars may be placed. However, it does not state that the voice avatars themselves are stored on the information server terminal and selectable therefrom. The second portion referred to by the Examiner also describes a virtual reality space in which the user avatars are depicted. It also describes how the virtual world is seen by each of the avatars and how other avatars are seen. However, there is no suggestion that the information server terminal is an avatar site which stores voice avatars from which a user can select a voice avatar. Accordingly, it is respectfully submitted that dependent claims 12 and 13 are allowable for at least these additional reasons.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By 
Alfred W. Froeblich
Reg. No. 38,887
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: April 18, 2005